REMARKS

The Applicants request reconsideration of the rejection.

Claims 1-21 remain pending.

Claims 1-6 and 8-21 were again rejected under 35 U.S.C. §102(b) as being anticipated by Saito, U.S. Patent No. 5,867,579 (Saito). Claim 7 was again rejected under 35 U.S.C. §103(a) as being unpatentable over Saito in view LeRoy et al., U.S. Patent No. 4,723,285 (LeRoy). The Applicants traverse as follows.

In the Office Action, at the bottom of the second page of the Detailed Action, the Examiner suggested that the Applicants have failed to identify specific claim limitations which would define a patentable distinction over the prior art. In reply, the Applicants offer the following comparison of Saito with the last paragraph of claim 1, which is representative of limitations that the Applicants submit patentably distinguish the present claims from the prior art.

The last paragraph of claim 1 recites:

> wherein said encryption processing device of said digital content distributing apparatus encrypts a part of a formatted data unit of the digital content so that said information processing apparatus displays the digital content contaminated in a spotted or striped manner on said output device without decryption.

Against this paragraph, the Examiner cites Saito at column 3, lines 25-39. The paragraphs spanning those lines are reproduced as follows:

> In cryptography, a case of encrypting a plaintext M with a crypt key K to obtain a cryptogram C is expressed as
>
> C=E(K, M)
>
> and a case of decrypting the cryptogram C with the crypt key K to obtain the plaintext M is expressed as
>
> M=D(K, C).

> The cryptosystem used for the present invention uses a secret-key cryptosystem in which the same secret-key Ks is used for encryption and decryption, and a public key cryptosystem in which a public-key Kb is used for encryption of plaintext data and a private-key Kv is used for decryption of a cryptogram.

It is thus immediately evident that Saito does not disclose the encryption processing device of claim 1. Specifically, reading from the last paragraph of claim 1, Saito does not disclose an encryption processing device that "encrypts a part of a formatted data unit of the digital content." Rather, the passage from column 3 of Saito teaches to encrypt a plaintext M, with no suggestion that the plaintext M could be substituted by a part of a formatted data unit of digital content, as required by the last paragraph of claim 1.

In addition, the passage of column 3 of Saito does not suggest that the information processing apparatus "displays the digital content contaminated in a spotted or striped manner on said output device without decryption." Rather, the passage of column 3 describes encrypting a plaintext M with a crypt key K to obtain a cryptogram C, and decrypting the cryptogram C with the crypt key K to obtain the plaintext M. More specifically, the passage states that Saito's cryptosystem uses a secret-key cryptosystem in which the same secret-key is used for encryption and decryption, and a public-key cryptosystem in which a different public-key is used for encryption than that used for decryption. There is no disclosure of display of the digital content, no disclosure of displaying the digital content contaminated in a spotted or striped manner, and no disclosure of displaying the digital content contaminated in a spotted or striped manner on an output device without decryption.

Indeed, the passages of Saito that were cited in the Office Action, in general, simply describe that a plaintext is encrypted with an encryption key, that a private

key and a public key are available for the encryption, and that a permit key is selected corresponding to the form of data usage (such as viewing, copying, etc.).

Therefore, the Applicants have identified specific claim limitations which would define a patentable distinction over Saito, whether taken individually as applied in the rejection of claim 1-6 and 8-21, or in combination with LeRoy in the rejection of claim 7, it being noted that each of the independent claims (and by extension, each of the dependent claims) includes the requirement that a part of formatted data unit of the digital content is encrypted so as to display the digital content contaminated in a spotted or striped manner without decryption. Accordingly, the claims are patentably distinguishable over the prior art.

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger & Malur, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. TSM-16).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

Daniel J. Stanger
Registration No. 32,846

DJS/sdb
(703) 684-1120